

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

--oOo--

KENNETH MCGUIRE and DAVID)	
WILCZYNSKI, on Behalf of)	
Themselves and All Others)	
Similarly Situated,)	
)	
Plaintiffs,)	
)	
vs.)	No. C07-800 MJP
)	
DENDREON CORPORATION, a)	
Delaware Corporation, MITCHELL)	
GOLD, and DAVID URDAL,)	
)	
Defendants.)	
-----)	

DEPOSITION OF
DAVID WILCZYNSKI

Tuesday, February 9, 2010

REPORTED BY: SHERRI STARR, CSR# 10245

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1 marked for identification.)

2 MR. NEFOUSE: Q. Mr. Wilczynski, have you
3 seen this document before?

4 A. No.

5 Q. You have not seen this document before?

6 A. No.

7 Q. Okay. This is the notice of your deposition.
8 Essentially, what we'll need from you today is -- just
9 to make sure you understand that we need you to --
10 you're going to be testifying here today in your
11 personal capacity regarding your own personal knowledge.

12 A. I need to restate -- I have seen this. I
13 received three e-mails from my attorney last week and
14 this was basically background information on where to
15 come and what time, so I have seen it.

16 Q. Okay. Well, I just want to make sure you
17 understand that today you're being deposed in your
18 personal capacity and everything regarding your own
19 personal knowledge and not that of anyone else; do you
20 understand that?

21 A. Yes.

22 Q. Thank you.

23 MR. NEFOUSE: Please mark this as Exhibit 28.

24 (Whereupon Exhibit 28 was

25 marked for identification.)

1 MR. NEFOUSE: Q. Have you seen this document
2 before, Mr. Wilczynski?

3 A. Yes.

4 Q. What is it?

5 A. Basically, it's the activities surrounding the
6 reason to initiate this lawsuit regarding the actions of
7 the CEO of Dendreon and the chief scientific officer.

8 Q. Could you please read the caption for me on
9 the front page, it's on the right-hand side in the
10 middle under the word "Class Action."

11 A. "Plaintiff David Wilczynski's Responses to
12 Defendants' First Set of Requests for Production of
13 Documents."

14 Q. Did you authorize that your counsel file this
15 document with the court?

16 A. Yes.

17 MR. KIRKPATRICK: Objection.

18 MR. NEFOUSE: Q. Mr. Wilczynski, these are
19 your responses to document requests that defendants'
20 counsel sent you. When you received this from your
21 counsel, what did you do?

22 A. I believe I contacted Ryan and discussed all
23 the --

24 MR. KIRKPATRICK: You don't have to say what
25 we discussed.

1 MR. NEFOUSE: Q. Yeah, please don't. I don't
2 want to know any specific communications.

3 A. Yes.

4 Q. What particular actions did you take after you
5 discussed the matter with your counsel?

6 A. None. I don't understand "particular
7 actions."

8 Q. Did you gather any documents in response to
9 this?

10 A. Yes.

11 Q. Okay. What documents did you gather?

12 A. History of stock sales and purchases of
13 Dendreon stock.

14 Q. Could you please go to page 7 of this
15 agreement. It's kind of tough to see, it's in the
16 bottom left.

17 A. I found it.

18 Q. See Document Request Number 2, it says, "All
19 documents (including confirmation slips, brokerage house
20 records, monthly brokerage account statements, and stock
21 certificates) that reflect or identify your sales and/or
22 short sales of Dendreon securities in the last ten
23 years." Did you provide all those documents to your
24 counselor?

25 A. Yes.

1 you have now?

2 A. Yes.

3 Q. Do you have any older e-mail addresses that
4 you no longer use?

5 A. My previous company, I have an e-mail address.
6 They're no longer in business, they were sold last year.
7 That e-mail address was davidwilczynski@virologic.com.

8 Q. Have you ever posted a message or a blog on
9 any kind of Internet message boards before?

10 A. Yes.

11 Q. Such as like Yahoo!?

12 A. Yes.

13 Q. InvestorVillage?

14 A. Yes.

15 Q. InvestorHub?

16 A. No.

17 Q. What is your screen name that you use? Blog
18 name, sorry.

19 A. Yahoo! is David -- sorry. Yahoo! is DNCURE
20 and InvestorVillage is PCCURE.

21 Q. Okay. And on these blogs on Yahoo! and
22 InvestorVillage, did you ever post about Dendreon?

23 A. Yes.

24 Q. Can you briefly describe your education for me
25 starting from high school.

1 A. I graduated from Central Catholic High School
2 in Toledo, Ohio. A bachelor of science degree from
3 University of Toledo. That's it as far as education.

4 Q. Okay. What was your bachelor of science in?

5 A. Biology.

6 Q. Did you take any classes in finance when you
7 were at the University of Toledo?

8 A. No, I did not.

9 Q. Did you take any graduate courses anywhere
10 ever?

11 A. No.

12 Q. Any other informal education?

13 A. No.

14 Q. Do you hold any professional --

15 A. I have a two-year associate degree in general
16 studies in addition to the four-year bachelor's.

17 Q. Where was that from?

18 A. University of Toledo as well.

19 Q. Do you hold any professional licenses?

20 A. No.

21 Q. And I'm not sure about this but we'll take a
22 look and see here, I know it's going to stretch a while
23 back but I want to know your employment history kind of
24 starting after you graduated college.

25 A. I worked for Mallinckrodt Pharmaceuticals for

1 about two years, left them to join McNeil
2 Pharmaceuticals which is a division of J&J. Worked for
3 McNeil for probably about a year and a half then joined
4 DuPont Pharmaceuticals and worked there for 25 years and
5 retired.

6 After I retired from DuPont, I started work
7 with Monogram Biosciences in South San Francisco and
8 worked for them from 2001 through 2007 and retired in
9 2007.

10 Q. And were you ever fired from any of those
11 positions?

12 A. No.

13 Q. And what was your approximate annual revenue
14 in 2007?

15 A. \$150,000 a year.

16 Q. Have you ever been a manager, director, or
17 officer of a company?

18 A. I was regional manager with Monogram and
19 Virology.

20 Q. Was that a public company?

21 A. Yes.

22 Q. Has that company ever sued for securities
23 fraud?

24 A. No.

25 Q. Would any of those companies be classified as

1 THE WITNESS: My source of income from
2 purchasing securities?

3 MR. NEFOUSE: Q. For purchasing, sorry.

4 A. They were IRA accounts and regular savings
5 accounts that I established as a trading account just
6 from savings and bonuses throughout the years I was
7 working, made a couple stock trades early on in my
8 career and did quite well and had that for a while to
9 continue to invest it.

10 Q. How long have you been trading in securities?

11 A. I don't really trade in securities. I'm not a
12 day trader. I buy stock and hold it for the long term.
13 I have done one or two day trades in the whole lifetime
14 that I've invested in.

15 Q. How long have you been buying stock for?

16 A. I've bought stock since 1973. '72, '73.

17 Q. How often do you buy stock?

18 A. I haven't bought any new stock in the last
19 three years.

20 Q. How much time do you spend devoting to your
21 investments?

22 A. Two to three hours a day on the computer.

23 Q. And before the invention of the wonderful
24 Internet, how did you monitor your stocks?

25 A. The Wall Street Journal. The back page that

1 has all the listings of the NASDAQ and the Dow.

2 Q. How much of your income is derived from
3 securities today?

4 A. 100 percent.

5 Q. And other than Dendreon, what are some of the
6 names of other stocks you've purchased over the years?

7 A. I currently hold shares in Discovery Labs. In
8 the past, I have invested in Elan, Gilead, Glaxo,
9 DuPont, Monogram, and Lilly.

10 Q. When did you purchase shares of Discovery
11 Labs?

12 A. Approximately two and a half years ago.

13 Q. So in 2007?

14 A. Yes.

15 Q. You still hold Discovery Labs, correct?

16 A. Yes.

17 Q. And when did you purchase Elan?

18 A. I started purchasing Elan around 2005.

19 Q. And do you still hold Elan stock?

20 A. No.

21 Q. When did you sell that?

22 A. I believe I sold the bulk of my Elan shares at
23 the time I started purchasing Dendreon which is around
24 late 2006.

25 Q. And do you still hold stock in Gilead?

1 A. No.

2 Q. Do you have any informal investment advisors?

3 A. No.

4 Q. Do you rely on anyone to make any of your
5 purchases or trades?

6 A. Not any one person but resources, sources,
7 sure.

8 Q. Do you regularly discuss your stock purchases
9 with anyone?

10 A. My wife.

11 Q. Anyone else?

12 A. No.

13 Q. Do you subscribe to any investment
14 publications?

15 A. No.

16 Q. Any newsletters?

17 A. No.

18 Q. Do you read any financial publications?

19 A. No.

20 Q. Do you read the Wall Street Journal still?

21 A. Not anymore.

22 Q. Not anymore?

23 A. No.

24 Q. Any other investment information on the
25 Internet you read?

1 A. Stock analyst reports. I refer to conference
2 calls by respective companies, press releases, message
3 board chatter discussion. Those are my sources for
4 investing.

5 Q. How often do you read message boards?

6 A. Every day.

7 Q. Do you read them for investing purposes?

8 A. Not anymore. Now just to continue to follow
9 developments in the two companies that I own stock in.

10 Q. When did you read those for investment --
11 sorry, strike that.

12 Have you read message boards before to get
13 financial information?

14 A. Yes.

15 Q. When did you do that?

16 A. At the time I was invested in Elan.

17 Q. And when was that, 2006?

18 A. Yes.

19 Q. Have you done that for any other stocks?

20 A. Yes. Yes, Gilead. Monogram, I worked for
21 them, I was an employee, so it was basically Gilead and
22 Lilly and the other one -- let's see, Gilead and Lilly
23 and Elan.

24 Q. Did you do that for Dendreon?

25 A. I never heard of Dendreon until I reviewed

1 discussion around Dendreon on the Elan board. And at
2 that time, I followed what was happening with Dendreon
3 and looked into it, did the usual due diligence and
4 started investing in Elan and then started participating
5 in and reviewing their message board.

6 Q. Okay. All right, we'll get into that later.
7 Do you belong to any investment club or group?

8 A. No.

9 Q. Have you attended investment seminars?

10 A. No.

11 Q. What are your investment objectives? And what
12 I mean by that is what do you hope to accomplish by
13 investing in securities?

14 A. Making as much money as I can.

15 Q. And have those objectives changed over time?

16 A. No.

17 Q. What are your investment strategies? And what
18 I mean by that is how do you accomplish those
19 objectives?

20 A. Research, due diligence it's called.

21 Q. What do you mean by "due diligence"?

22 A. Reviewing histories of any respective company
23 that I may want to invest in, past histories, prior
24 histories, their markets that they're in, their business
25 model.

1 the time because they're pre-earnings, they didn't have
2 any earnings coming in other than funding for R&D.

3 Q. Did you read any public filings?

4 A. Not that I recall.

5 Q. So nothing filed with the SEC?

6 A. Not that I recall.

7 Q. Did you read any other press releases?

8 A. Yes.

9 Q. Do you recall which press releases you read?

10 A. There were numerous press releases as the
11 company was developing Provenge from that time. I don't
12 recall specifically, you know, which one but it
13 primarily was just monitoring their development of
14 Provenge, getting it through the FDA process.

15 Q. Did you listen in on any of the conference
16 calls?

17 A. Yes.

18 Q. How many?

19 A. Every time they had one.

20 Q. This is before you purchased?

21 A. Oh, no, since I was a shareholder.

22 Q. Okay. Any conference calls before you
23 purchased?

24 A. No.

25 Q. Did you review any quarterly reports before

1 So I think I posted a comment or a response
2 and then sent a private message, that's what "PM" stands
3 for here to this person because he had accused me of
4 being a short seller and that was a response. So the
5 reference to this is that I had quite a number of
6 shares, I'm a long-term holder and I'm not a short
7 seller. That's what this was about.

8 You know, you go back and forth all the time
9 with all kinds of stuff, you're just chatting. It's a
10 chat line basically.

11 Q. Right. So do you dislike short sellers?

12 A. Yes.

13 Q. Why do you dislike them?

14 A. Because of the negative way that they can go
15 about impacting a company's stock. It's called FUD,
16 fear, uncertainty, and I forget what the D stands for
17 but that's the term, it's called FUD, what the short
18 sellers do to keep the stock price manipulated and down.
19 If you recall, a short seller's main goal is to bet
20 against a company and its stock, that's how they make
21 money. I'm a long-term holder, I want the company to
22 prosper.

23 Q. So how do short sellers manipulate stock?

24 A. Through media outlets, through uncertainty of
25 a company's progress in developing a new technology like

1 Dendreon, providing false analyst reports, i.e., the
2 technology does not work, it will never be approved by
3 the FDA. Those are examples.

4 Q. Do you believe short sellers manipulated
5 Dendreon stock?

6 A. Yes.

7 Q. How?

8 A. By the ways I just commented on.

9 Q. Can you please elaborate?

10 A. Putting uncertainty out into the investing
11 community that the drug Provenge was not effective;
12 always countering in a negative way medical reports
13 relative to the science of the cassette technology that
14 Dendreon employs; putting out information in data that
15 the markets or the business model has never been tested,
16 it's an immune therapy type vaccine, you've never seen
17 anything like that in the history of cancer treatment;
18 negative, it's not going to work as good as
19 chemotherapy, on and on and on constantly, daily.

20 Q. When did these short sellers commit these
21 manipulations?

22 A. Since Day One and they've also manipulated
23 other stocks that I held.

24 Q. When is Day One as to Dendreon?

25 A. Since the day I began investing and following

1 document?

2 A. Yes.

3 Q. And what is it, please?

4 A. It's a response to the message board.

5 Q. Okay.

6 A. This may have been an initial request that I
7 sent to Ken so I don't recall this being a response, I
8 apologize.

9 Q. But you wrote this; is that correct?

10 A. Yes. Yes.

11 Q. Who is Rancher?

12 A. Rancherho is Ken McGuire's screen name.

13 Q. Do you know Mr. McGuire?

14 A. No.

15 Q. Have you communicated with Mr. McGuire outside
16 of this blog?

17 A. No.

18 Q. Have you sent him any e-mails, phone calls?

19 A. I've never talked to him in person. I don't
20 recall sending any e-mails. I believe my only
21 interaction with him was via the message board and it
22 was rare that he responded to me. He didn't know me, he
23 didn't respond.

24 Q. How did you find out that Rancherho was
25 Kenneth McGuire?

1 A. I believe I recall reading about his
2 initiation of this lawsuit against Dendreon and may have
3 sent him, via the message board, a post or two relative
4 to contact information.

5 Q. Contact information in regards --

6 A. Who the attorney is, who I can talk to to get
7 involved with this case.

8 Q. And you sent that to him via the message
9 board?

10 A. I believe I did.

11 Q. Did you produce that -- did you get that
12 document to your counsel to produce to us today?

13 MR. KIRKPATRICK: Objection to form.

14 THE WITNESS: No.

15 MR. NEFOUSE: Q. Why not?

16 MR. KIRKPATRICK: Objection to the form.

17 MR. NEFOUSE: Q. You may answer, please. You
18 can answer.

19 A. I didn't -- he didn't ask for it. Every
20 discussion that I have on the message board, there's
21 hundreds of discussions with different message board
22 posters.

23 Q. Let's go back to the request for production,
24 please. Let's go to page 8. This is Exhibit 28, I'm
25 sorry, Document Request Number 4.

1 Advisory Committee meeting, yes, I expected the stock
2 price to go up as it was getting closer because that was
3 a significant date. That's the last step prior to
4 approval. So at that time, yes, I expected the stock to
5 go up.

6 And also, after the Advisory Committee
7 especially recommended approval, it's rare -- I can't
8 think of an instance, there may have been one in the
9 history of the FDA that's not approved a drug,
10 particularly in cancer, when the Advisory Committee has
11 overwhelmingly recommended it, especially in the cancer
12 area. So things looked great.

13 Q. What was that other company?

14 A. It may have been ImClone, I-m-C-l-o-n-e,
15 another cancer technology company of which Martha
16 Stewart was an owner, if you recall all that.

17 Q. And I think we may have -- I'm going to change
18 gears a little bit here.

19 Do you know what a class period is as it
20 relates to a class action?

21 A. A class period?

22 Q. Yes, sir.

23 A. No.

24 Q. Do you know what a class action is?

25 A. Yes.

1 Q. What is a class action?

2 A. Multiple people, for lack of a better word,
3 band together and try to recover, via a lawsuit, damages
4 that they may have incurred in a particular area, i.e.,
5 investment.

6 Q. Is the current lawsuit against Dendreon a
7 class action?

8 A. Yes.

9 MR. NEFOUSE: Please mark this as Exhibit 35.

10 (Whereupon Exhibit 35 was
11 marked for identification.)

12 MR. NEFOUSE: Q. Do you recognize this?

13 A. Yes.

14 Q. What is it, Mr. Wilczynski?

15 A. It's pretty much the specifics regarding the
16 class action versus Dendreon.

17 Q. What do you mean by "specifics"?

18 A. Why the litigation has been initiated.

19 Q. Did you review this document before it was
20 filed?

21 A. I looked through it. I didn't memorize it but
22 I looked through it, I scanned it.

23 Q. Okay. Would you please turn to page 5, it's
24 at the bottom left.

25 A. Yes.

1 Q. If you go to the middle of that page,
2 beginning on lines 13 and 14, do you see your name, sir?

3 A. Yes, I do.

4 Q. And at the end of line 14, do you see your
5 name as well?

6 A. Yes, I do.

7 Q. Do you notice anything about your name, sir?

8 A. No. That's my name.

9 Q. Is your last name spelled W-i-l-c-z-y-s-n --

10 A. Oh, it's misspelled, I apologize, yes. N
11 before the S.

12 Q. Would you please go to page 20. Okay, thank
13 you. If you go to the paragraph under which says
14 "Conclusion," line 16, do you see your name there?

15 A. Yes, I do.

16 Q. How many times do you see your name?

17 A. Twice.

18 Q. And do you notice anything about your name on
19 the second time it appears in that sentence?

20 A. Yes, it's misspelled.

21 Q. So how well would you say you reviewed this
22 document?

23 A. I probably reviewed it three or four times. I
24 don't know if that's considered a lot of times,
25 significant time, but probably three to four times I've

1 reviewed it.

2 Q. And you authorized your counsel to file this
3 on your behalf?

4 A. Yes.

5 Q. If you go to back to page 5, please, I'm
6 sorry.

7 A. Okay.

8 Q. The first paragraph that's all single-spaced
9 rather than the double-space, do you see that beginning
10 on line 5?

11 A. Yes.

12 Q. It says, and I quote, "All persons and
13 entities who purchased the common stock of Dendreon
14 Corporation between March 29, 2007 and May 8, 2007," do
15 you know the significance of March 29, 2007 and May 8,
16 2007?

17 A. I believe March 29th was the company's
18 conference call after the FDA Advisory Committee had
19 recommended approval. May 8th, I believe, was the
20 complete response date where the FDA denied approval of
21 Provenge.

22 Q. Okay, thank you.

23 Do you understand why this document was filed
24 by your attorneys?

25 A. Yes.

1 Q. Why was it filed?

2 A. Because I feel that I was a victim of
3 securities fraud and possibly insider trading.

4 Q. And that's why this particular document was
5 filed?

6 A. Yes, for damages, to recover damages. And
7 also on this particular date, do you want a comment on
8 the March 29th conference call at this point in time?

9 Q. Sure, please.

10 A. Which I listened to and I was led to believe
11 that everything was fine on Dendreon's end relative to
12 progressing forward towards FDA approval. And because
13 of that, I purchased more shares a day or two later, I
14 believe, April 2nd.

15 Q. Did you purchase shares on March 30th, 2007 as
16 well?

17 A. I believe I did and there should be a record
18 of that.

19 Q. And if you could go to the second paragraph
20 that's all single-spaced, what's the significance of
21 April 2nd, 2007?

22 A. I believe that was the date that I purchased
23 my 5,200 shares of Dendreon stock and I believe that was
24 the date that Dr. Gold sold a significant amount of
25 shares at the same time.

1 What complaint had you reviewed in reference
2 to this certification?

3 A. I reviewed -- there's only one complaint,
4 isn't there? I mean, when you say "what complaint,"
5 it's the complaint initiated versus Dendreon relative to
6 securities fraud and insider trading.

7 Q. Okay.

8 A. And I'm a class -- subclass representative
9 but --

10 Q. What's a subclass?

11 A. Basically, in my understanding, an individual
12 that is available to support Ken as being the lead
13 plaintiff and also the fact that I have some minor
14 experience with manufacturing issues that can delay the
15 approval of drugs, FDA approval, so I have some
16 experience there. That's why I agreed to be a
17 representative.

18 Q. And what do you mean by "support Ken"? Like
19 what would you do to support Mr. McGuire?

20 A. In any case that he couldn't continue on in
21 representing the class.

22 Q. So you would take over for Mr. McGuire?

23 A. If I had to, if I was asked to.

24 Q. And that's as a subclass representative?

25 MR. KIRKPATRICK: Object to the form.

1 MR. NEFOUSE: Q. Please answer.

2 A. Yes.

3 MR. KIRKPATRICK: You can answer the question.

4 THE WITNESS: Yes.

5 MR. NEFOUSE: Q. You mentioned manufacturing
6 approval in the FDA, what experience do you have with
7 that?

8 A. With Discovery Labs over the last two years
9 and their issues, their problems. Firsthand experience.

10 Q. And when you say "firsthand experience," do
11 you mean --

12 A. With observing the issues that can prevent the
13 approval of a new drug, i.e., around manufacturing,
14 chemistry, CMC, all the issues that go around the
15 required information in addition to the safety and
16 efficacy that's necessary for a drug to be approved.

17 Q. And I don't want to misquote you or misstate
18 you so please correct me if I'm wrong, so you think
19 supporting Mr. McGuire and also your kind of experience
20 with dealing with manufacturing approval of FDA in
21 relation to stocks is what qualifies you to be the
22 subclass representative?

23 A. Yes. When I say experience, I mean having
24 experienced firsthand the delays that can occur when
25 manufacturing issues are in play.

1 Q. Is there anything else that's personal to you
2 that would qualify you for this position?

3 A. I suffered damages that I feel were excessive,
4 that's why I'm also involved.

5 Q. Is that it?

6 A. And I felt I was misled by, you know, some
7 representatives of Dendreon. That's basically it.

8 Q. Thank you. Did you purchase any of your
9 Dendreon shares on margin?

10 A. No.

11 Q. Do you know what margin purchasing is?

12 A. Borrowing, in my opinion.

13 Q. Okay. We're going to jump into a new area.

14 Do you want to keep going, Mr. Wilczynski?

15 A. Yes.

16 Q. Okay, we'll keep going then.

17 MR. KIRKPATRICK: What time is it?

18 MR. NEFOUSE: It's a little after noon. Does
19 that work for you?

20 MR. KIRKPATRICK: Yeah.

21 MR. NEFOUSE: Q. Mr. Wilczynski, when did you
22 first consider suing anyone in connection with your
23 purchase of Dendreon securities?

24 A. Would you please repeat the question?

25 Q. Sure. When did you first consider suing

1 months after the conference call where they, Dendreon,
2 addressed the reasons for the complete response letter
3 from the FDA.

4 Q. Okay. And what conference call are you
5 referring to?

6 A. I believe it was in April.

7 Q. April 2007?

8 A. I'm sorry, I apologize. I apologize. May
9 7th, if I recall correctly, was the complete response
10 notification to the investment community by Dendreon.
11 They followed up the next day or the day after with
12 their conference call and they responded to analysts and
13 investors regarding the path forward. So that was May,
14 I believe. May.

15 Q. So a month or two later?

16 A. Yes. Yes, if I recall correctly.

17 Q. So June/July 2007 ballpark is when you first
18 started considering suing Dendreon for --

19 A. To the best of my knowledge, it was give or
20 take several months after that conference call.

21 Q. And what factors led you to sue Dendreon?

22 A. The fact that I had lost quite a bit of money.
23 I remember waking up May 7th and seeing that I had lost
24 \$2 million as a result of all this, and at that time, I
25 thought it was primarily FDA requesting more

1 information, more data, which can sometimes happen, but
2 then with the follow-up conference call, it was finally
3 revealed that there were, in addition, CMC issues, in
4 addition to the safety and efficacy issues, is what
5 prolonged the delay of Provenge at that time.

6 Q. What do you mean by CMC issues?

7 A. Manufacturing issues, defects and such.

8 Q. When was that revealed again, you said --

9 A. It was revealed finally in the conference call
10 to investors post the complete response notification
11 from the FDA which says they're not going to approve it,
12 they need more information.

13 Q. And that's when you felt like you found out
14 you were misled; is that correct?

15 A. That's when it started, yes. No one was aware
16 in the investment community of anything other than
17 safety and efficacy issues that arose from the complete
18 response. Everything was considered positive and a go,
19 if you will, as far as approval prior to the complete
20 response letter.

21 Then Dendreon released the complete response
22 letter and then followed up with a conference call and
23 then and only then was the manufacturing defects
24 revealed. And every savvy investor knows that that's as
25 important to the approval process as safety and efficacy

1 Q. Did you discuss the possibility of a lawsuit
2 against Dendreon with anyone?

3 A. No.

4 Q. When did you decide to join in the lawsuit?

5 A. When I had discovered that there was one being
6 developed.

7 Q. This was around June/July 2007?

8 A. To the best that I can recall, yes. I don't
9 know the exact date. It wasn't immediate though, it was
10 several months. Could have been a little bit longer,
11 maybe six months, I'm just guessing here.

12 Q. Did anyone contact you regarding the
13 possibility of filing a lawsuit in connection with
14 Dendreon stock?

15 A. No.

16 Q. So you found this out on your own?

17 A. On the message board.

18 Q. When did you first contact a lawyer regarding
19 the possibility of filing a lawsuit?

20 A. I don't recall the exact day that I contacted
21 the firm. I don't recall.

22 Q. And how did they -- did you contact them or
23 did they contact you?

24 A. I contacted them and I believe it was probably
25 closer to the end of 2007. November --

1 October/November.

2 Q. So you didn't contact them until November
3 2007?

4 A. I believe it was towards the end of the year.

5 Q. Okay.

6 A. But I don't recall the exact month or date.

7 Q. Could you go back to Exhibit 36, please, the
8 one with the green tag in front of you.

9 As mentioned earlier, at the bottom it
10 indicates that you executed this document on July 23rd,
11 2007; is that correct?

12 A. That's right, that's what it says here.

13 Q. So were you not in touch with an attorney
14 regarding this lawsuit at that time?

15 A. I believe I was. So that was three months
16 post the conference call in and around -- I mentioned
17 earlier, I didn't know the exact date. I guess I should
18 have just looked in front of me, but yes, it was at this
19 time.

20 (Whereupon Exhibit 37 was
21 marked for identification.)

22 MR. NEFOUSE: Q. Do you recognize this blog,
23 Mr. Wilczynski?

24 A. Yes.

25 Q. And did you -- and you wrote this --

1 A. Yes.

2 Q. -- message?

3 A. Sure.

4 Q. Could you please read the title of the
5 message.

6 A. This was again a response to someone else's
7 message post. My comment was, "Outraged is a mild word
8 for what the FDA has done: (Letter sent)."

9 Q. What had the FDA done at that time?

10 A. Requested more data to confirm the safety and
11 efficacy of Provenge.

12 Q. Okay.

13 A. Our feeling at the time and my feeling was
14 that the data was more than adequate and the Advisory
15 Committee had overwhelmingly recommended for approval
16 and we felt that politics of the FDA had delayed the --
17 you know, delayed the approval of Provenge which they
18 did.

19 Q. And you spoke a few minutes ago -- and please
20 correct me if I mischaracterize you -- that you found
21 out that there were manufacturing issues in early May of
22 2007, is that correct, after the conference call?

23 A. Yes, that was the first time that anybody had
24 been made aware of any manufacturing defects.

25 Q. And despite those manufacturing issues, do you

1 feel that Provenge still should have been approved?

2 MR. KIRKPATRICK: Objection to form.

3 MR. NEFOUSE: Q. You may answer.

4 A. Do I feel that Provenge should have been
5 approved? Yes.

6 Q. Why?

7 A. Most likely, I base my decision-making process
8 on what the experts, the Advisory Committee meeting, had
9 decided on.

10 Q. Thank you. When you first got involved with
11 this lawsuit, what was your -- did you -- strike that.

12 When you first got involved with this lawsuit,
13 did you know it was a class action?

14 A. Yes.

15 Q. Has lead counsel represented -- I'm sorry, who
16 is lead counsel in this matter?

17 A. Ryan is one of several -- Ryan Kirkpatrick is
18 one of several attorneys.

19 Q. And what's the name of the firm that he works
20 for?

21 A. Susman Godfrey.

22 Q. Have they represented you in any other
23 matters?

24 A. No.

25 Q. And I think we said this before but besides

1 Susman Godfrey, does anyone else represent you in this
2 suit?

3 A. I had the attorney for the avocado defense.
4 You said "a suit" --

5 Q. In this suit.

6 A. In this particular suit?

7 Q. Yes.

8 A. No.

9 Q. And how did you decide who to sue in this
10 matter?

11 A. I didn't decide who to sue, the suit had
12 already been initiated. I joined in as a person who had
13 lost significant amounts of money and was willing to be
14 represented in the lawsuit, the class action lawsuit.

15 MR. NEFOUSE: All right. Tell you what, it's
16 about 12:15. Let's take an hour break for lunch. So
17 come back here about 1:15. Off the record.

18 (Lunch recess was taken.)

19 MR. NEFOUSE: Q. Mr. Wilczynski, during the
20 break, I believe you and your counselor met and went
21 over some of your stock accounts; is that correct?

22 A. Yes.

23 Q. And you forwarded to Dan Turbow and myself
24 certain stock records of purchases and sales; is that
25 correct?

1

A.

Yes.

2

Q. Okay. I'm going to go over them right now.

3

MR. NEFOUSE: Let's mark this as Exhibit 38,

4

please.

5

(Whereupon Exhibit 38 was

6

marked for identification.)

7

MR. NEFOUSE: Q. Have you had a chance to

8

review this document, Mr. Wilczynski?

9

A. Yes.

10

Q. What is it?

11

A. It's a history of purchases in 2006 of

12

Dendreon stock in late fall, October/November, and

13

also -- yeah, this is all 2006 purchases of Dendreon

14

stock.

15

Q. When did you first start purchasing shares of

16

Dendreon stock?

17

A. October 30th.

18

Q. And did you get this information from your

19

Scottrade account?

20

A. Yes.

21

Q. And you were able to get on this account prior

22

to this deposition today; is that correct?

23

A. Yes.

24

Q. Do you know why this was not produced before

25

today?

1 (Whereupon Exhibit 40 was

2 marked for identification.)

3 MR. NEFOUSE: Q. Do you recognize this
4 document, Mr. Wilczynski?

5 A. Yes.

6 Q. What is it?

7 A. It's the class action complaint for violation
8 of federal securities laws.

9 Q. So have you read this document before?

10 A. Yes, I have read it.

11 Q. Could you please go to the last page of the
12 document, the bottom right. Do you see a date on there?

13 A. Yes, June 6th, 2007.

14 Q. Is that the date this complaint was filed?

15 A. Yes.

16 Q. So previously you just said -- and like I
17 said, please correct me if I'm misstating you, that you
18 were required to turn over stock transactions from when
19 the complaint was filed; is that correct?

20 MR. KIRKPATRICK: Objection to form.

21 THE WITNESS: Yes.

22 MR. NEFOUSE: Q. Were you required to turn
23 over any stock transaction records of anything before
24 this time period?

25 MR. KIRKPATRICK: Objection to form.

1 MR. NEFOUSE: Q. Please answer the question.

2 MR. KIRKPATRICK: You can answer the question.

3 THE WITNESS: Not to my knowledge.

4 MR. NEFOUSE: Q. Let's go back and look at

5 Exhibit 28, please. You've got that in your record,

6 it's the document request. Can you please review

7 Document Request Numbers 2 and 3 as well as your answer

8 to those?

9 A. Page 2?

10 Q. I'm sorry, Document Request Numbers 2 and 3, I
11 believe they start on page 7.

12 A. Okay.

13 Q. Will you please review those?

14 A. A certain paragraph or the whole page?

15 Q. You can just read them in their entirety,

16 Document Request Number 2 and your response and Document
17 Request Number 3 and your response.

18 A. To myself or out loud?

19 Q. To yourself, please.

20 A. Okay, I've read it.

21 Q. What is your understanding of this document
22 request, sir?

23 A. That transactions should have been sent within
24 the period of August 24th, 2006 beginning.

25 Q. Until?

1 A. June 6, 2007.

2 Q. And did you do that, sir?

3 A. No.

4 Q. Why not?

5 A. Just must have missed it.

6 Q. Okay. Fair enough. When did you turn over
7 your documents to your attorneys?

8 A. I don't recall the exact month or day. When I
9 was asked to.

10 Q. Do you remember when that was?

11 A. No, I don't.

12 Q. Have you turned over any other documents to
13 your attorneys within the past three or four months
14 related to this document request?

15 A. No.

16 Q. And other than your IRA accounts and your
17 Scottrade account, do you have any other accounts where
18 you have Dendreon stock?

19 A. No.

20 Q. So just these two accounts?

21 A. This is it. Yes, my daughters have two
22 accounts but those are my daughters', not mine, so these
23 are the only two accounts.

24 Q. To kind of go over again, what efforts did you
25 undertake to provide these documents to your counsel

1 blogs that you -- any of the postings you made on the
2 Yahoo! blog prior to this deposition?

3 A. No.

4 Q. Why not?

5 A. I was not asked to do that for Yahoo! and I
6 couldn't if I wanted to.

7 Q. And why is that, again?

8 A. I don't know how to do it. I don't think you
9 can do it on the Yahoo! website. The IV website is a
10 more professional website where they have access to the
11 messages and such, but I'm not even aware that you can
12 do that with Yahoo! So there was never any reason for
13 me to go looking back and see what chatter happened, you
14 know, discussing the company and stuff so I wouldn't
15 know how to do it if I could or if it would.

16 Q. All right. Thank you, we may come back to
17 that.

18 (Whereupon Exhibit 41 was

19 marked for identification.)

20 MR. NEFOUSE: Q. Do you recognize this

21 document, Mr. Wilczynski?

22 A. Yes.

23 Q. What is it?

24 A. I believe it is an order around

25 confidentiality.

1 Q. What's this complaint about?

2 A. Violation of security laws.

3 Q. Is this the only complaint in this matter?

4 A. Yes, this is the main complaint, to my
5 understanding.

6 Q. And has this complaint been amended?

7 A. I don't recall.

8 Q. To date, how many complaints have been filed
9 in this matter?

10 A. I don't recall.

11 Q. Can you give me an estimate of how many?

12 A. I don't recall.

13 Q. Approximate? You think one?

14 A. I don't recall.

15 Q. Two?

16 A. I don't recall.

17 Q. Three?

18 A. I don't recall.

19 Q. Four?

20 A. I don't recall.

21 Q. Okay, thank you.

22 (Whereupon Exhibit 42 was

23 marked for identification.)

24 MR. NEFOUSE: Q. Do you recognize this
25 document, Mr. Wilczynski?

1 A. Yes.

2 Q. What is it?

3 A. It's the amended complaint for violation of
4 federal securities laws, first amended complaint.

5 Q. Did you review it before it was filed?

6 A. I don't recall.

7 Q. And do you know how it differs from the
8 previous complaint?

9 A. Amended means changed, so I'm not sure how it
10 differs.

11 Q. You don't know how it was changed?

12 A. I don't recall.

13 Q. Can you describe the misconduct which was
14 alleged in this complaint?

15 A. Yes.

16 MR. KIRKPATRICK: Object to the form.

17 MR. NEFOUSE: Q. Can you please describe that
18 for me.

19 A. That information was withheld by a
20 representative of Dendreon that could have affected my
21 purchasing and/or selling of Dendreon stock.

22 Q. Did you have any input into drafting this
23 complaint?

24 A. No.

25 Q. Did you read the complaint before it was

1 filed?

2 A. I don't recall.

3 (Whereupon Exhibit 43 was

4 marked for identification.)

5 MR. NEFOUSE: Q. Do you recognize this

6 document, Mr. Wilczynski?

7 A. It's the amended complaint of the original

8 documents.

9 Q. Do you believe this complaint amended the
10 original complaint?

11 A. I don't know.

12 Q. Have you seen this document before today?

13 A. Yes, I have.

14 Q. When did you see it?

15 A. I have seen it in the past three years. I
16 don't recall when I first reviewed it.

17 Q. In the past three years, can you narrow that
18 down for me?

19 A. I don't recall.

20 Q. Can you give me an estimate?

21 A. No, I don't recall.

22 Q. Do you know when it was filed?

23 A. No, I don't.

24 Q. Did you review it before it was filed?

25 A. I don't recall.

1 THE WITNESS: I don't know.

2 MR. NEFOUSE: Q. Do you recall reviewing a
3 complaint before you signed the certification?

4 A. This is the complaint (indicating), correct?

5 Q. I don't know what --

6 A. If this is the complaint, yes, I reviewed it.

7 MR. KIRKPATRICK: He's holding up the second
8 amended complaint.

9 MR. NEFOUSE: Q. So you reviewed the second
10 amended complaint before it was filed?

11 A. I reviewed the complaint. Amended one, two,
12 and three are similar documents with perhaps changes
13 that I don't recall the specific changes, but I have
14 reviewed the document in general which is the complaint,
15 yes, I have. Several times.

16 Q. Sir, do you know the differences between the
17 first amended complaint and the second amended
18 complaint?

19 A. No, I don't.

20 Q. Did you ask your attorneys what the
21 differences were between those complaints?

22 MR. KIRKPATRICK: Don't answer that question.
23 Objection.

24 MR. NEFOUSE: Strike that.

25 Q. Can you generally give me a description of the

1 changes between the first amended complaint and the
2 second amended complaint?

3 A. No. I don't know.

4 (Whereupon Exhibit 45 was
5 marked for identification.)

6 MR. NEFOUSE: Q. Have you seen this document
7 before?

8 A. No. This third amended complaint, no.

9 Q. You've never seen this document before?

10 A. No.

11 Q. Did you know that there was a third amended
12 complaint in this action?

13 A. No. I don't recall seeing it. I take that
14 back, I should say no, I don't recall seeing it.

15 Q. Okay, thank you. Do you recall seeing any
16 orders on motions to dismiss in this matter?

17 A. Yes.

18 Q. What do you recall?

19 A. Several documents in the past. I don't recall
20 what month I saw them, but my understanding is when
21 looking back, there was attempts to dismiss but the
22 judge decided it should proceed, to the best of my
23 knowledge. I did not review any specific documents, I
24 was just aware that there was a motion filed to dismiss.

25 Q. Thank you. I'm going to switch gears a little

1 agency in America...FDA. They are the reason investors
2 lost big time not Dendreon."

3 Q. Did you believe this statement to be true at
4 the time of this post?

5 A. Please ask me that again.

6 Q. Did you believe this statement to be true at
7 the time of this post?

8 A. No. No.

9 Q. Then why did you make it?

10 A. I don't recall at the time, I'd have to see
11 the thread of the message to be able to respond. In
12 other words, when there's a thread on a message board
13 there can be 50 responses and you continue to follow up
14 on those responses, and I don't recall this thread, so I
15 don't...

16 Q. Why would you post this if you didn't believe
17 it to be true?

18 A. To be active on the message board.

19 Q. So you would write that "they are the reason
20 investors lost big time not Dendreon" to be active on
21 the message board?

22 A. I would comment frequently paraphrasing other
23 investors' comments in support.

24 Q. So you were paraphrasing -- strike that.

25 So what part of this statement did you not

1 believe to be true at the time?

2 A. "They are the reason investors lost big time
3 not Dendreon."

4 Q. And why did you not believe that to be true
5 again?

6 A. I don't remember, I'd have to see the thread
7 of the conversation to be able to comment on why I said
8 that. I don't recall.

9 Q. So did you misrepresent yourself on this
10 thread?

11 MR. KIRKPATRICK: Object to the form.

12 THE WITNESS: I say a lot of things on this
13 message board that are true; some are not. It's just my
14 opinion and it's what I feel at the time.

15 MR. NEFOUSE: Q. So you lied on this thread?

16 MR. KIRKPATRICK: Object to the form.

17 THE WITNESS: No.

18 MR. NEFOUSE: Q. Just testified a few seconds
19 ago here that you did not believe this to be true at the
20 time you posted this; is that correct?

21 A. Correct.

22 Q. But yet you still posted it?

23 A. Yes.

24 Q. So you lied, then, on this message board?

25 MR. KIRKPATRICK: Objection to form.

1 THE WITNESS: No, I also posted a comment
2 about Dr. Hussain which I didn't mean. So no.

3 MR. NEFOUSE: Q. Why would you post something
4 you don't mean?

5 A. Did you ever say anything you don't mean?

6 Q. I asked you the question, sir.

7 A. Huh?

8 Q. I asked you the question, sir. Please
9 respond.

10 A. I have no idea. I don't recall why I said it.
11 I don't recall.

12 Q. Would you say that this statement is
13 untruthful?

14 MR. KIRKPATRICK: Objection to the form.

15 THE WITNESS: Yes.

16 MR. NEFOUSE: Q. Why would you make an
17 untruthful statement?

18 MR. KIRKPATRICK: Objection to the form.

19 THE WITNESS: Again, as I said earlier, I may
20 have made this comment in support of the thread of the
21 discussion.

22 MR. NEFOUSE: Q. Okay. Thank you.

23 (Whereupon Exhibit 53 was
24 marked for identification.)

25 THE WITNESS: I recognize this as a --

1 Dendreon security since June 1st, 2007; is that correct?

2 A. No, I made a mistake. There has been.

3 Q. When were those further transactions made?

4 A. I don't remember the exact dates but when I
5 reviewed my account when we broke -- took a break. I
6 reviewed the account and I had forgotten but there were
7 sales.

8 Q. And when were those sales?

9 A. I don't recall the actual dates.

10 Q. Do you remember how many shares you sold?

11 A. No, I don't. All I know is I purchased
12 Discovery Labs shares with those sold shares. I don't
13 remember the amount.

14 Q. Do you remember what year those sales took
15 place?

16 A. 2007, I believe.

17 Q. Do you know when in 2007?

18 A. I don't remember the exact date.

19 Q. After June of 2007?

20 A. I don't remember.

21 Q. How many shares of Dendreon stock do you
22 currently own?

23 A. My daughters each own 8,000 shares. I
24 currently own 76,400.

25 Q. That's approximately 92,500 shares.

1 Q. So you believe that Mitchell Gold, if Provenge
2 got approved, would deserve to be on the cover of Time
3 magazine?

4 MR. KIRKPATRICK: Objection to the form.

5 THE WITNESS: Yes.

6 MR. NEFOUSE: Q. Why are you bringing a
7 lawsuit against him?

8 A. The damage has been done. Money was lost in
9 2007. This is three years later now, the company has
10 developed the drug to the point of nearing FDA approval
11 and it's a remarkable achievement that they, the science
12 people -- not the management people, the science
13 people -- have conducted a safe and effective Phase 3
14 study, second one, and those results were announced in
15 Impact last year.

16 Q. Despite all that, you think he would deserve
17 to be on Time magazine?

18 MR. KIRKPATRICK: Objection to the form.

19 MR. NEFOUSE: Q. You can answer.

20 A. As being a part of a new paradigm shift in
21 cancer treatment, yes.

22 Q. We're going to shift gears a little bit here.

23 Going back to the lawsuit, are you requesting a trial by
24 jury in this matter?

25 A. Yes.

1 Q. Okay. How do you know that?

2 A. I don't. If there's no settlement prior, then
3 my understanding is it goes to jury and I support that.

4 Q. Can you describe for me the remedies that
5 you're seeking in this matter?

6 A. Damages regarding the losses that I incurred
7 with my Dendreon investment.

8 Q. What damages have you suffered?

9 MR. KIRKPATRICK: Objection to the form.

10 MR. NEFOUSE: Q. You can answer.

11 A. If I would have been notified or made aware of
12 the fact of the manufacturing complaints by the FDA, I
13 would have sold my Dendreon stock at that time. Because
14 I knew in advance or know in advance that if the
15 manufacturing defects are part of the FDA approval
16 process and there are defects there, the drug will not
17 be approved, and consequently, the stock price would
18 have tanked big time.

19 Q. Okay. Are you seeking a particular amount in
20 damages personally?

21 MR. KIRKPATRICK: Object to the form.

22 THE WITNESS: Not a specific number, no.

23 MR. NEFOUSE: Q. Have you performed a damages
24 analysis?

25 A. No, I haven't.

1 Q. Where did you see those?

2 A. In one of the documents that I reviewed. I
3 don't recall specifically which one but I have seen some
4 costs relative to some clerical issues and such.

5 Q. When you say "reviewed," when did you review
6 this document?

7 A. Actually, I think just about a week ago.

8 Q. What is your understanding of your financial
9 obligations if you're certified as a class
10 representative?

11 A. Please ask me that again.

12 Q. What is your understanding of your financial
13 obligations if you're certified as a class
14 representative?

15 A. I don't understand by "financial obligations,"
16 what you mean by that.

17 Q. In other words, would you have to pay anything
18 one way or the other?

19 A. It's a contingency basis complaint is my
20 understanding and I would not be liable for any costs
21 one way or the other.

22 Q. Is it your understanding that you have a
23 fiduciary obligation to members of the class if you were
24 to be appointed as class representative?

25 A. Yes.

1 Q. What does that mean to you?

2 A. To represent the class to the best of my
3 ability in the most truthful way, my interpretation.

4 Q. What do you think your duties would be if you
5 are certified as a class representative?

6 MR. KIRKPATRICK: Objection to the form.

7 THE WITNESS: Being deposed today, and if it
8 goes to court, giving testimony in a trial supporting
9 the claim.

10 MR. NEFOUSE: Q. Does that differ from your
11 current duties to the class?

12 A. No.

13 Q. What is your understanding of your duties with
14 respect to any settlement of this lawsuit?

15 A. Please ask me that again.

16 Q. Sure. What is your understanding of your
17 duties with respect to any settlement of this lawsuit?

18 A. I don't see any duties of any kind that I'm
19 responsible for as a result of this litigation as far as
20 distribution of any damages, that's not my role.

21 Q. So you would have no duties with respect to
22 any settlement in this lawsuit?

23 MR. KIRKPATRICK: Object to the form, vague
24 and ambiguous.

25 THE WITNESS: I'm not sure I understand what

1 MR. NEFOUSE: I'm not asking him to tell me
2 what his communications are.

3 MR. KIRKPATRICK: It's obvious.

4 MR. NEFOUSE: No, I'm not. I'm just asking to
5 see how he's updated on the lawsuit.

6 Q. Do you receive e-mail from your attorneys?

7 A. We discuss -- I get calls. Short calls
8 sometimes, as I said, sometimes longer.

9 Q. And how often were these calls?

10 MR. KIRKPATRICK: Objection to form.

11 THE WITNESS: At least every two months.

12 MR. NEFOUSE: Q. Anyone other than
13 Mr. Kirkpatrick, have you spoken to anyone else at
14 Susman Godfrey about this lawsuit?

15 A. No.

16 Q. Since you've been involved with the
17 litigation, how much time do you think you've spent on
18 the litigation?

19 A. Regarding conversations with my attorney?

20 Q. Everything.

21 MR. KIRKPATRICK: Objection to the form.

22 THE WITNESS: Maybe 12 hours.

23 MR. NEFOUSE: Q. So since June 2007, you've
24 spent about 12 hours on this litigation?

25 MR. KIRKPATRICK: Objection to form.

1 THE WITNESS: I don't have an exact number.
2 I'll say 12 to 15 hours. I didn't keep track.

3 MR. NEFOUSE: Q. Have you supervised the
4 conduct of the litigation?

5 A. No.

6 Q. Do you plan to supervise the conduct of the
7 litigation in the future?

8 A. I'm not sure what you mean by "supervise the
9 conduct."

10 Q. As a class representative, would you have
11 any more say in the litigation?

12 A. Not that I'm aware of.

13 Q. How much time are you willing to spend
14 supervising this lawsuit?

15 A. As much as is required.

16 Q. How do you distinguish between your role in
17 this litigation and lead counsel's role, your attorney's
18 role in this litigation?

19 MR. KIRKPATRICK: Objection to the form.

20 THE WITNESS: I view myself as a
21 representative of the class who suffered damages.

22 MR. NEFOUSE: Q. And how is that different
23 from your attorney's role in this litigation?

24 MR. KIRKPATRICK: Object to the form.

25 THE WITNESS: I suffered damages; my attorney

1 data.

2 Q. And when was this?

3 A. I don't recall the date. It was -- I believe
4 it was the morning of, I don't recall, prior to
5 Dr. Gold's formal presentation relative to the final
6 outcome of the third Phase 3 trial for Provenge.

7 Q. And what year is this in?

8 A. 2009.

9 Q. Okay. And why did you write this post?

10 A. It was just my comment, my 2 cents on the
11 actions of what occurred prior to a positive
12 announcement.

13 Q. And what did you mean by "rigged like Vegas"?

14 A. A casino. Wall Street is a casino in my
15 opinion.

16 Q. How so?

17 A. It's manipulated. The market makers who
18 direct the action of the stock manipulate the trading
19 and the selling illegally. Naked short-selling is just
20 one example, day in/day out in my opinion.

21 Q. Okay. Thank you.

22 Mr. Wilczynski, I just want to clear up the
23 record on some things that we discussed earlier today,
24 and so if you wouldn't mind, could you go back to
25 Exhibit Number 28 which were your requests for

1 A. It appears I refused certain documents. I
2 objected to document requests.

3 Q. Beginning in October 2009, what did you do to
4 search for documents responsive to these document
5 requests?

6 A. I don't remember.

7 Q. How much time did you spend searching for
8 documents responsive to these document requests?

9 A. I do not remember.

10 Q. Did you review this document before it was
11 filed and served back to opposing counsel?

12 MR. KIRKPATRICK: Object to the form.

13 THE WITNESS: I believe I did. I don't
14 remember the specifics, though, of this particular
15 document.

16 MR. NEFOUSE: Q. Do you know if you provided
17 any documents responsive to these requests?

18 MR. KIRKPATRICK: Objection to the form.

19 THE WITNESS: No.

20 MR. NEFOUSE: Q. You don't know if you have?

21 MR. KIRKPATRICK: We've gone over this like
22 eight times.

23 THE WITNESS: I don't remember.

24 MR. KIRKPATRICK: And you haven't established
25 there's a single document he hasn't turned over that he

1 has. He said there are no hard copy files, he said
2 there are no e-mails.

3 MR. NEFOUSE: Is there an objection here?

4 MR. KIRKPATRICK: Yes.

5 MR. NEFOUSE: Then state your objection and
6 that's it.

7 MR. KIRKPATRICK: No, I'm going to stop the
8 entire deposition if we go over this eight more times.

9 MR. NEFOUSE: I'm trying to clear the record.

10 MR. KIRKPATRICK: It's been clear forever.
11 You wanted him to produce the postings and we say no.
12 That's the record.

13 MR. NEFOUSE: Q. Did you spend any time
14 searching for any documents in the past four to five
15 months?

16 A. No, that I can remember.

17 Q. Thank you.

18 All right, let's go back to Exhibit Number 29,
19 please, which were your responses to interrogatories.

20 A. Okay.

21 Q. Did you draft any portions of this document,
22 Mr. Wilczynski?

23 A. No.

24 Q. Did you review this document before it was
25 served on defendants' counsel?

1 Dendreon securities, Wilczynski relied upon the
2 integrity of the market for Dendreon securities. In
3 addition, Wilczynski considered: (a) Dendreon's SEC
4 filings and annual reports to shareholders."

5 Did you or did you not rely on SEC filings in
6 transacting in Dendreon securities?

7 MR. KIRKPATRICK: Object to the form.

8 THE WITNESS: I did -- I do recall seeing some
9 SEC filings regarding the stock options and such. If
10 that was considered part of my investment decision
11 making, it was not. Annual reports to shareholders,
12 it's pretty much general information I was very aware
13 of.

14 MR. NEFOUSE: Q. What SEC filings?

15 MR. KIRKPATRICK: He already testified press
16 releases are all SEC filings.

17 THE WITNESS: SEC filings are not only press
18 releases but, you know, stock options, who's awarded
19 what, any fundraising activities that Dendreon may have
20 generated to continue the development of Provenge.
21 That's usually an SEC filing, I believe.

22 MR. NEFOUSE: Q. You believe?

23 A. Yeah, I'm not really up to speed that much on
24 SEC filings, I really don't pay much attention to them.

25 Q. So did you or did you not review SEC filings

1 before you transacted in --

2 A. I did not review. I have read or perused SEC
3 reports but never used them as part of a consideration
4 of investment decision-making.

5 In other words, I'm aware of when a stock
6 option was given and such and that's about the extent of
7 it.

8 Q. Okay. Also in this response you say that in
9 transacting Dendreon securities you relied upon the
10 integrity of the market. What did you mean by that?

11 A. That was probably a reference to the market
12 that Dendreon was developing their drug in which was the
13 cancer treatment market. And integrity, maybe that was
14 a bad word, the integrity. It was just -- I followed
15 the markets and the opportunities for new business
16 development in certain markets and this one is cancer.
17 So my emphasis was around that particular market. And
18 when I say integrity, it was probably long-term
19 opportunities. Integrity, I'm not sure what that -- why
20 I applied that particular word there.

21 Q. Did you draft this response to this
22 interrogatory?

23 A. I commented on this and suggested and such.
24 May have been a poor choice of word at the time,
25 integrity. I used it but I'm not the most eloquent

CERTIFICATE OF REPORTER

I, SHERRI STARR, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [] was [X] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: February 11th, 2010.



SHERRI STARR, CSR No. 10245